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13 Attorneys for Plaintiff
14 RAE ELLEN LEONARD

15 ** Defendant City of Capitola's counsel listed after the caption.*

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA

19 RAE ELLEN LEONARD

CASE NO. C13-3714 JST

20 Plaintiff,

21 v.

22
23 CITY OF CAPITOLA; COUNTY OF
24 SANTA CRUZ; and DOES 1-100,
25 Inclusive,

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME UNDER
F.R.C.P. RULE 12(F)**

26 Defendants.

27 STIPULATION TO EXTEND TIME UNDER
28 FRCP RULE 12(F)
CASE NO. C13-3714 JST

**TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL
PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

WHEREAS, this case has been assigned for early disclosures and mediation under General Order 56, and the parties to this stipulation want to make best efforts to settle this case without litigation;

WHEREAS, Plaintiff's deadline for filing a motion under FRCP Rule 12(f) to strike insufficient defenses from the Answer of defendant is October 18, 2013;

WHEREAS, Plaintiff and defendant City of Capitola have tried unsuccessfully to resolve their disputes over the Answer informally. However, they wish to avoid the necessity of plaintiff filing a Rule 12(f) motion until/unless mediation does not succeed; THEREFORE:

IT IS HEREBY STIPULATED by and among all parties that the deadline for plaintiff to file any motion under Federal Rule of Civil Procedure 12(f) be extended to 21 days past the date the mediator certifies that mediation under General Order 56 has been completed. It is also stipulated that 1) the parties shall meet and confer within 7 days after the mediation has been certified as completed; 2) that defendant City of Capitola shall thereafter be allowed an opportunity to voluntarily amend its Answer prior to Plaintiff filing any rule 12(f) motion; 3) that any amended Answer shall be filed no later than 7 days after the parties meet and confer.

1
2 Date: October 16, 2013

LAW OFFICE OF PAUL L. REIN

3
4 By: /s/ Catherine Cabalo
CATHERINE CABALO, ESQ.
5 Attorneys for Plaintiff
6 RAE ELLEN LEONARD

7 Date: October 16, 2013

LAW OFFICES OF VINCENT P. HURLEY,
8 PC

9 By: /s/ Vincent P. Hurley
VINCENT P. HURLEY, ESQ.
10 Attorneys for Defendant
11 CITY OF CAPITOLA

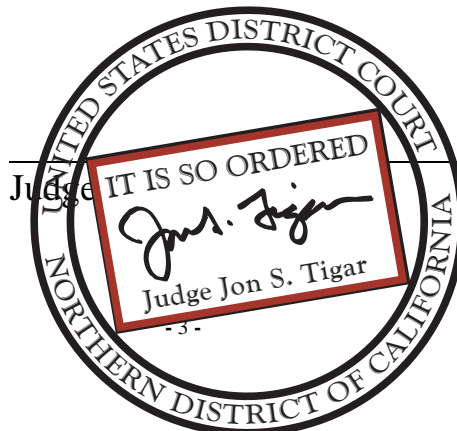
12
13
14 **ORDER**

15 Pursuant to the stipulation of the parties, and for good cause shown, it is hereby
16 ORDERED that the deadline for plaintiff to file any motion under Federal Rule of
17 Civil Procedure 12(f) be extended to 21 days past the date the mediator certifies that
18 mediation under General Order 56 has been completed. The parties shall meet and
19 confer within 7 days after the mediation has been certified as completed. Defendant
20 City of Capitola shall thereafter be allowed an opportunity to voluntarily amend their
21 Answer prior to plaintiff filing any rule 12(f) motion. Any amended Answer shall be
22 filed no later than 7 days after the parties meet and confer.

23 IT IS SO ORDERED.

24
25 Dated: October 17, 2013

26
27 STIPULATION TO EXTEND TIME UNDER
FRCP RULE 12(F)
28 CASE NO. C13-3714 JST



FILER'S ATTESTATION

Pursuant to General Order 45, section X(B), I hereby attest that on October 16, 2013, I, Catherine Cabalo, attorney with The Law Office of Paul L. Rein, received the concurrence of Vincent P. Hurley in the filing of this document.

/s/ Catherine Cabalo
Catherine Cabalo